

REMARKS

I. Status of the Claims

Claims 1-3 are pending. Applicants have amended claim 1 to recite a composition and to specify the “by weight” amounts of the four active components. Support for this amendment is found in the specification on page 10, lines 11-18. In addition, Applicants have added method claims 2 and 3, each of which depends from composition claim 1. Support for the newly added method claims is found in the specification on page 17, lines 18-21. These amendments add no new matter.

II. Rejection Under 35 U.S.C. § 102(b)

The Office rejects claim 1 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,882,672 to Kojima et al. (“*Kojima*”). Office Action, page 2.

Applicants respectfully traverse this rejection as applied to the amended claims. *Kojima* teaches animal feeds comprising three crude drugs of Cucurbita seed, Plantago, and Lonicera. *Kojima*, Abstract. Other crude drugs, including safflower (*Carthamus tinctorius*), can be added. *Kojima*, col. 3, lines 11-18; claim 1. *Kojima* teaches that the crude drugs are added to the feed in amounts generally ranging from 0.05 to 5% by weight. *Kojima*, col. 4, lines 41-53. In Example 4, *Kojima* prepares a stock feed containing 10% by weight of Cucurbita seed, 5% by weight Plantago, 3% by weight Lonicera, and 2% by weight safflower, and then mixes the stock feed with a commercial feed in an amount of 0.3% to prepare the test feed. *Kojima*, Example 4. Example 16, which is the other examples in *Kojima* that combine Cucurbita seed, Plantago, Lonicera, and safflower prepare stock feeds, also uses these same amounts by weight.

To anticipate a claim under 35 U.S.C. § 102, every element recited in the claim must be disclosed in the reference. See *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.").

All of the pending claims recite that the composition comprises from 20 to 60% by weight *Cucurbita moschata*, from 10 to 40% by weight *Carthamus tinctorius*, from 5 to 70% by weight *Plantago asiatica*, and from 5 to 70% by weight *Lonicera japonica*. *Kojima* does not teach a composition comprising the claimed components in the recited amounts. Accordingly, *Kojima* does not anticipate claim 1 (or method claims 2-3) and Applicants respectfully request the Office to withdraw the rejection.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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